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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,982	02/22/2002	Roger L. Johnston	1266.015	9956

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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/080,982	Applicant(s) JOHNSTON, ROGER L.	
	Examiner PAUL T. CHIN	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed January 18, 2005, and the arguments presented therewith have been carefully fully considered and they are persuasive in light of the amended claims. However, the arguments are moot in view of the new ground(s) of rejection. A non-final office action follows below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5,7-11,17-19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Titford (6,435,766).

Titford (6,435,766) discloses a mobile vehicle and method to lift a load, comprising first, second, and third booms (see Figs. 3-5), each of which having a mobile base (13,13,13) that is independently support on the ground and a vertically extendible lift leg (14,14,114) (Fig. 5) supported on the base; and the first boom (14 or 114) laterally between the second and third booms (Fig. 3) substantially interconnected the lift legs; a plurality of horizontal beams (12,16,116) (Fig. 3) that functionally interconnected the lift leg and that are raisable (see Fig. 4) with the booms to lift a load (200); wherein one of the beams is linearly extendible (see Fig. 3) to increase the horizontal spacing between the two beams.

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Re claims 4 and 5, each of the first and second beams (16 or 116) comprises a telescoping tube assembly having at least one inner tube (see Figs. 3 and 12) and at least one outer tube slidable over the inner tube powered by a hydraulic cylinder (92) or a hydraulic motor (153).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Titford (6,435,766).

Titford (6,435,766), as presented above, discloses each of the first and second beams (16 or 116) comprises a telescoping tube assembly having at least one inner tube (see Figs. 3 and 12) and at least one outer tube slidable over the inner tube powered by a hydraulic cylinder (92) or a hydraulic motor (153). Titford (6,435,766) does not show a pair of cylinders on each of the first and second beams. However, it would have been obvious design choice to provide an extra (second) cylinder on each of the beams (16 or 116) on the Titford (6,435,766) to efficiently extend or retract the beams.

6. Claims 12-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titford (6,435,766) in view of Felix (4,253,256).

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Titford (6,435,766), as presented above, shows that each wheel (18) is rotatable about 160 degree (Col 5, lines 10-35), but does not show that each wheel is rotatable 360 degree. However, Felix (4,253,256) discloses a heavy duty vehicle comprising an extendable cylinder (46), a shaft (32) and a wheel assembly (4,4) (Fig. 4) being rotatable about 360 degree at any direction (Col 8, lines 10-49). Accordingly, it would have been obvious design choice to modify each wheel (18) of Titford's vehicle (6,435,766) as taught by Felix (4,253,256) so that at least one or each wheel of the modified would be rotatable around 360 degree providing more flexibility to control the vehicle.

Re claim 15, the modified Titford (6,435,766) shows a telescoping tube assembly having at least one inner tube (see Figs. 3 and 12) and at least one outer tube slidable over the inner tube powered by a hydraulic cylinder (92) or a hydraulic motor (153), but does not show a *pair of cylinders* on each of the first and second beams. However, it would have been obvious design choice to provide an extra (second) cylinder on each of the beams (16 or 116) on the Titford (6,435,766) to efficiently extend or retract the beams.

Response to Arguments

7. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Paul Chin", with a stylized flourish at the end.

PAUL T. CHIN
Examiner
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